

1 MITCHELL D. GLINER, ESQ.  
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3 3017 West Charleston Boulevard  
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(702) 870-8700  
6 Attorney for Plaintiffs

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LAW OFFICES OF MITCHELL D. GLINER

By [Signature] Mly  
Dated: 7/1/00

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

8 WARWICK L. JONES and CARY Z. )  
9 JONES, )  
10 Plaintiffs, )  
11 vs. )  
12 WELLS FARGO BANK, NATIONAL )  
ASSOCIATION, )  
13 Defendant. )

CV-S-00-1390-LDG-RJJ

14 SIX PERSON JURY DEMANDED

15 COMPLAINT

16 1. The jurisdiction of this Court is conferred by 15 U.S.C.  
17 § 1681p. Venue lies in the Southern Division of the Judicial  
18 District of Nevada as Plaintiffs' claims arose from acts of the  
19 Defendant perpetrated therein.

20 PRELIMINARY STATEMENT

21 2. The Plaintiffs bring this action for damages based upon  
22 Defendant's violations of the Fair Credit Reporting Act, 15 U.S.C.  
23 Section 1681 et seq. (hereinafter referred as the "FCRA").  
24 Plaintiffs seek actual damages, punitive damages, costs and  
25 attorney's fees.

26 . . .  
27  
28

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1       3. Plaintiffs, Warwick L. Jones (WLJ) and Cary Z. Jones  
2 (CZJ), are natural persons, residents and citizens of the State of  
3 Nevada and of the United States. Plaintiffs are "consumers" as  
4 defined by FCRA § 1681a(c). Warwick L. Jones is the father of  
5 Cary Z. Jones.

6       4. The Defendant, Wells Fargo National Bank, National  
7 Association, (hereinafter referred to as "User") is a foreign  
8 entity with its principal place of business in Minneapolis,  
9 Minnesota.

10

11

#### CAUSE OF ACTION

12

#### Statement of Facts

13

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14

5. WLJ has a distinct heightened interest in protecting his  
credit profiles.

16

6. In October, 1999, WLJ filed a federal action styled  
Warwick Lewis Jones v. Bonded Collectors, Inc., CV-S-99-1457-JBR  
(RJJ), against a Florida debt collector who had insidiously  
reported a \$9,000 collection account which was the time-barred debt  
of WLJ's son, Brett Jones.

21

7. Brett Jones was an airline Captain. Brett Jones died in  
an April, 1992, plane crash.

23

8. The litigation against Bonded Collectors ("Bonded")  
resulted in the deletion of the collection entry from WLJ's credit  
profiles.

26

. . .

27

. . .

28

1       9. WLJ and his wife attempted to acquire a home mortgage  
2 prior to and during the litigation with Bonded. WLJ's credit  
3 profiles were illegally accessed by numerous lenders in addition to  
4 those with authorization.

5       10. Many unwanted inquiries resulted from the repeated  
6 acquisition of WLJ's credit profiles. These inquiries reflect the  
7 difficulty WLJ encountered in acquiring a mortgage in the presence  
8 of the disparaging Bonded entry. The numerous inquiries have  
9 eroded WLJ's "credit score."

10      11. As a result of the erosion of his "credit score," WLJ has  
11 become in the habit of directing all lenders with whom he discusses  
12 rates not to access his credit profiles. A copy of WLJ's July 27,  
13 2000, letter to Eaglemark Customer Funding Corporation, which twice  
14 emphatically directed Eaglemark not to access his credit profiles,  
15 is attached as Exhibit 1.

16      12. On or about June 29, 2000, WLJ telephoned the Defendant's  
17 offices in Las Vegas, Nevada, and spoke with Ms. Dee Choser  
18 (Choser). Plaintiffs were, at all times relevant hereto, customers  
19 of the Defendant Bank.

20      13. WLJ advised Choser that he and CZJ were interested in  
21 aircraft financing. Plaintiff also explicitly advised Choser that  
22 she was not authorized to access his credit profiles and that he  
23 could provide the same if required.

24      14. WLJ repeated this admonition during each conversation  
25 with Choser.

26      15. All conversations with Choser were telephonic and at no  
27 time was a written application executed by either Plaintiff.  
28

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1       16. On or about June 30, 2000, Choser called WLJ informing  
2 him that financing was available at a rate approximating 11.5% over  
3 a 6-year term.

4       17. WLJ advised Choser that financing was typically available  
5 at 9%-10% over 15-20 year terms. WLJ repeated his earlier  
6 admonition re his credit profiles.

7       18. On or about July 19, 2000, Choser contacted WLJ advising  
8 him that Defendant could offer financing at 10% over a 12-year  
9 term.

10      19. On or about Tuesday, July 25, 2000, at approximately  
11 noon, WLJ received a call from Choser advising him that the loan  
12 had been "approved" at 10% for 12 years. Choser added that she  
13 would need to speak with CZJ re certain facts pertaining to  
14 purchase and loan documents.  
  
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15      20. WLJ advised that the two would think the matter over and  
16 get back to Choser were they interested.

17      21. Choser called WLJ on or about July 31, 2000, and offered  
18 to take an application over the phone. WLJ repeated his admonition  
19 concerning his credit profiles and advised Choser of the accounts  
20 which he and CZJ had with the Defendant.

21      22. On or about August 4, 2000, WLJ received from Choser a  
22 fax (Exhibit 2) which contained a list of items the Defendant  
23 required. Exhibit 2 references a credit entry contained in the  
24 credit profile of CZJ.

25      23. At no time had CZJ even spoken with Choser.

26      24. A furious WLJ immediately called Choser who defended the  
27 Defendant asserting it was automatically authorized to access the  
28 credit profiles once WLJ had initiated discourse re financing.

1       25. WLJ reminded Choser both of his repeated requests that  
2 his credit profile not be pulled absent his express permission and  
3 the fact that Choser had not even spoken with his son.

4       26. On or about August 8, 2000, WLJ called Choser's  
5 supervisor, Ms. Shirley Skirvin, who echoed Choser's view that  
6 authorization to access Plaintiffs' profiles was automatic.

7       27. Skirvin did not address the repeated explicit admonitions  
8 provided by WLJ.

9       28. On or about August 11, 2000, WLJ received a credit report  
10 from Equifax Credit Information Services, Inc. (Exhibit 3).  
11 Exhibit 3 reflects that User accessed WLJ's credit profile on  
12 July 31, 2000.

13       29. The referenced inquiries have become permanent components  
14 of the Plaintiffs' credit profiles and are reported to those who  
15 ask to review the credit history of the Plaintiffs.

16       30. Upon best information and belief, User agreed and  
17 represented in its agreements with the various credit reporting  
18 agencies that User would request and use consumer reports which  
19 were obtained from said agencies only for purposes which are lawful  
20 under the FCRA as defined under § 1681b.

21       31. User was required pursuant to FCRA §§ 1681b(f), 1681n and  
22 1681o to refrain from obtaining consumer reports from credit  
23 reporting agencies under false pretenses.

24       32. At no time material hereto did Plaintiffs ever have a  
25 relationship of any kind with User as defined under FCRA  
26 § 1681b(a) (3) (A) - (F).

27       33. User has never ever been ordered by a court of competent  
28 jurisdiction to issue a consumer report pursuant to FCRA

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1 § 1681b(a)(1). Plaintiffs have never knowingly given written  
2 instructions to User to obtain and/or release to a third party a  
3 consumer report of which Plaintiffs were the subject pursuant to  
4 FCRA § 1681b(a)(2).

5       34. User had an affirmative duty to follow reasonable  
6 procedures, including those that would prevent the impermissible  
7 accessing of consumer reports.

8       35. Reasonable procedures for users include restricting the  
9 ability of its agents to obtain consumer reports on consumers for  
10 any impermissible purpose.

11       36. Upon best information and belief, User's illegal and  
12 surreptitious acquisition of Plaintiffs' credit reports derived  
13 from an interest and priority well beyond the scope of the FCRA.

14       37. User has, upon best information and belief, compromised  
15 its relationship with the various credit reporting agencies in  
16 falsifying the basis upon which Plaintiffs' reports were obtained.

17       38. User has compromised Plaintiffs' access to credit in  
18 imparting to past, present and future credit grantors that  
19 Plaintiffs have applied for credit in tandem with a relationship  
20 with User.

**Statement of Claim**

22       39. Defendant/User willfully and/or negligently violated  
23 the provisions of the FCRA in the following respects:

a. User has falsely, purposely, surreptitiously and maliciously obtained the Plaintiffs' credit reports in violation of FCRA § 1681b(f).

b. User has falsely, purposely, surreptitiously and maliciously obtained the Plaintiffs' credit reports in violation of FCRA § 1681n.

c. User has obtained the Plaintiffs' credit reports in violation of FCRA § 1681o.

## PRAYER FOR RELIEF

THEREFORE, Plaintiffs pray that the court grant:

- a) actual damages;
  - b) punitive damages;
  - c) attorney's fees; and
  - d) costs.

~~Respectfully submitted~~

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Nevada Bar #003419  
3017 West Charleston Boulevard  
Suite 95  
Las Vegas, NV 89102  
Attorney for Plaintiffs

**EXHIBITS**

## CONSULTANTS INTERNATIONAL ARCHITECTURE LLC

4616 w. Sahara Ave., Ste. 270  
Las Vegas, NV. 89102  
Telephone 702-233-5941 Fax 702-233-5941  
Cell. 702-286-0340

Warwick L. (Rick) Jones

Date 07/27/2000

Attn. Dennis Oliver  
Loan Officer

EAGLEMARK FINANCIAL  
AIRCRAFT FINANCING

Fax number : 800-699-2142

Dear Dennis,

Thank you for your time discussing Aircraft financing rates to me, as we agreed I am faxing through 30 odd sheets for your review including a late copy of my credit report obtained from my Attorney, keep in mind I am self employed and our CPA writes off most of the yearly income, included are several copies of checks which pertain to Park place entertainment(Hilton Hotel/Casinos) Arfa Contracting(Progress payment on \$30,000 fees owing) & Current Consulting fees to Dawes Corporation, in addition I have a lawsuit filed in Court against a company which owes me \$150,000 + interest for fees relating to year 1999. There is also additional fees due & owing to the amount of \$ 25,000 from Arfa contracting on a past contract performed in 1998-99.

If you require additional Tax figures, you may call the CPA office in Las Vegas, Gary Campbell on 702-255-2330, I have alerted the office that maybe someone could call.

Please do not pull an additional credit report at this period, the Aircraft we are looking to purchase is as follows:

Socata Tampico TB9 Year 1990	T.T. 4500 hrs	purchase price \$45,500.00 1993	NEG. SELLING PRICE \$67000
SMOH engine 605 hrs.		1900 T.T.	
Condition Exterior rated as 7 to 7.5	ENG. 1900 SMOH		
Condition Interior rated as 8 to 9			
No damage history	10 9/10	ANNUAL	FEB. 24 - 2000
Full Log books			

Last annual Oct. 1999, all current AD's compiled with; My Son Cary Jones who would be the Pilot is presently down in San Diego to inspect the Aircraft, and if it looks good, we intend to have another annual inspection performed in lieu of a pre-buy inspection.

INSPECTED

Upon research across the Nation, the same model with years varying between 1990 to 1993 are listed for sale at \$54,000 ; \$ 69,000 ; \$ 72,000 with greater T.T. and engine hrs. up in the 1200 to 1600's.

This particular owner has a partner who apparently is short of cash and does not wish to share fair equal costs of running this Aircraft.

Again, thank you.

W.Rick Jones



NOT AN EX-FLITE  
SCHOOL  
AIRCRAFT.

Jul. 26 2000 07:58AM

Jul. 26 2000 07:58AM FE

FAX NO. :

FAX ADDRESS WILL FUTURE  
COMMENCEMENT IN 1000 DAYS/HRSEX-15251 CREDIT INFORMATION RELEASE  
15251 2000  
N/A/N/A OR 50270

18001190-5X6A

DATE OF BIRTH 03/12/00  
SOCIAL SECURITY NUMBER 330-25-9838  
DATE OF DEATH 03-0-1966WARRICK LEWIS 10466  
11117 ARROW PLNG AV  
LAS VEGAS NV 89134

CREDIT HISTORY											
Company Name	Account Number	Open Date									
LOWE'S	C8222228-0009871	02/00	03/00	100	25	174	180	03/00			
AMERICAN EXPRESS CREDIT CARD	3728679431500	03/00	01	03/00	964	964	01	03/00			
WXLIC & L - BAXLAW RCI. ESTATE MORTGAGE	5120012301727	11/99	01/00	272K	5K	271K	11	01/00			
AIRTOUCH	14299863	11/94	30	06/95	30	0	01	10/95			
MAAS BRECHER/ACCS CHARGE	242870302	03/86	40		26	0	81	11/93			

## \*\*\*\*\* ADDITIONAL INFORMATION \*\*\*\*\*

FORMER/OTHER ADDRESS 2420 BENDER LILY LN, LAS VEGAS, NV, 89134

FORMER/OTHER ADDRESS 4616 N SAHARA, AVE ART 270, LAS VEGAS, NV, 89102

LAST REPORTED EMPL - OWNER, INT'L ARCH CONSULT, DONITA S., PL

FORMER EMPLOYMENT - SELF-CONSTRUCTION DVLPT

FORMER EMPLOYMENT - DEVELOPER.

COMPANIES THAT REQUESTED YOUR CREDIT HISTORY

06/16/00 ENQUIRER - DISCLOSURE 02/02/00 AR AMERICAN EXPRESS  
 11/23/99 STANEFAC18/1 TRUST ONE MORTGAGE  
 11/23/99 EQUIFAX - UPDATE  
 11/23/99 INFORNET /PROFOUND MORTGAGE CORP  
 11/23/99 CORONER ADVICE 11/17/99 WORLD SAVINGS  
 11/11/99 CREDCO /77 MORTGAGE CO PHX FINA  
 11/11/99 INFO 1 /PMK MORTGAGE CORP  
 11/09/89 CREDCO /PMK LAS VEGAS FINA  
 11/09/99 FIRST TENNESSEE MORT  
 11/09/99 ENFP 3 /ELVIER STATE FINANCIAL ST  
 11/08/99 ENFP 3 /GCCENTRAL MORTGAGE  
 11/05/98 ADVANTAGE /LA 9950 HOME LOANS  
 11/04/99 FAIR DTA /6202 CITY FED MORTGAGE  
 11/04/98 LANDSAFE /LANDSAFE CREDIT  
 11/03/99 CE CENTRAL/600 ASPEN MORTGAGE  
 11/02/99 CITIZEN BANK (NY, NY)  
 10/23/99 LANDSAFE /LANDSAFE CREDIT  
 10/22/99 LENDER'S /PCWINTERSON MORTGAGE  
 10/22/99 CREDIT SVCS/SUBMIT FIXITS FINANCIAL  
 10/21/99 EQUIFAX - DISCLOSURE  
 10/14/99 CREDCO /GOLDEN WEST FINANCIAL FINANCIAL  
 10/13/99 CE CENTRAL/600 CHASE MANHATTAN HO  
 10/13/99 FMG /NEVADA CITIZENS FINANCIAL  
 10/12/99 INFORNET /DOLBER WEST FUNDING  
 10/12/99 FAR WEST /FAIR UNITED MORTGAGE  
 10/11/98 STANEFAC /CAPITOL COMMERCE MFG SAC  
 10/06/99 PK BONDS COLLECTORS INC  
 10/05/99 CREDCO /PMC K10 LAPTOP PROGRAM  
 10/03/99 SMC MORTGAGE  
 10/08/99 CREDCO /SMAC K10 350 LA  
 09/14/99 CHASE CREDIT/TAILORED MORTGAGE LENDING  
 09/14/99 TEEBRA MORTGAGE LEND  
 09/09/99 LANDSAFE /LANDSAFE CREDIT  
 09/04/99 CREDCO /GMAC K10 350 LAS VEGAS  
 07/29/00 LENDER'S /HILLSBOROUGH MORTGAGE CO

Wells Fargo Bank Nevada, N.A.  
Post Office Box 15600  
Las Vegas, Nevada 89114-5606

WELLS  
FARGO

8/4/2000

Rick -

This is list of items I will need  
for the Airplane loan:

Rick:

2 years personal Tax Returns

2 years business Tax Returns

2 years

business

Tax Returns

business

T

EQUIFAX CREDIT INFORMATION SERVICES  
P.O. BOX 80374  
ATLANTA, GA 30374

(800)435-4158

WARWICK LEWIS JONES  
11112 ARBOR PINE AV  
LAS VEGAS NV 89144

\* DATE 08/11/00  
SOCIAL SECURITY NUMBER 559-29-9858  
DATE OF BIRTH 03/01/42

## CREDIT HISTORY

Company Name	Account Number	Where Acct.	Date Opened	Months Re- moved	Date Of Last Activity	High Credit	Terms	Balances as of Date Reported			Date Reported
								Balance	Per Due	Stated	
LOWE'S CHARGE	C8222229-0009871	S	02/00	05	07/00	1500	21	736		R1	07/00
WORLD S & L - OAKLAND REAL ESTATE MORTGAGE	5120012301727	I	11/99	05	06/00	272K	1K	270K		I1	06/00
AMERICAN EXPRESS CREDIT CARD	3728679431500	I	05/89	01	07/00	2268		1220		O1	07/00
AIRTOUCH PAID ACCOUNT/ZERO BALANCE CHARGE	1425963	I	11/94	10	04/95	38		0		O1	10/95
MAAS BROTHERS/FACS CHARGE	242873102	S	05/86	40		36		0		R1	11/93

## \*\*\*\*\* ADDITIONAL INFORMATION \*\*\*\*\*

FORMER/OTHER ADDRESS 2428 GINGER LILY, LN, LAS VEGAS, NV, 89134

FORMER/OTHER ADDRESS 4616 W SAHARA, AVE APT 270, LAS VEGAS, NV, 89102

LAST REPORTED EMPL - OWNER, INT'L ARCH CONSULT, BONITA S, FL

FORMER EMPLOYMENT - SELF-CONSTRUCTION DVLPMNT

FORMER EMPLOYMENT - DEVELOPER

\*\*\*\*\* COMPANIES THAT REQUESTED YOUR CREDIT HISTORY \*\*\*\*\*

08/11/00 EQUIFAX - DISCLOSURE [07/31/00] WELLS FARGO BANK NEV  
 07/26/00 ID EQUIFAX CONSUMER SER [07/24/00] AVFINANCE GROUP, INC  
 06/13/00 AR LOWE'S [06/12/00] PRM AT&T WIRELESS SERVICE  
 06/02/00 PRM:CB&T [04/19/00] AR AMERICAN EXPRESS  
 04/18/00 EQUIFAX - DISCLOSURE  
 11/23/99 STANDFACTS/STANDONE MORTGAGE B  
 11/23/99 EQUIFAX - UPDATE  
 11/22/99 INFONET /PROTOFUND MORTGAGE CORP  
 11/22/99 CORONER AGENCY [11/17/99] WORLD SAVINGS  
 11/11/99 CREDCO /FT MORTGAGE CO PHX FNMA  
 11/11/99 INFO 1 /PMCC MORTGAGE CORP  
 11/09/99 CREDCO /PMCC LAS VEGAS FNMA  
 11/09/99 FIRST TENNESSEE MORT  
 11/05/99 INFO 1 /SILVER STATE FINANCIAL SV  
 11/05/99 INFO 1 /OCCIDENTAL MORTGAGE  
 11/05/99 ADVANTAGE /CLASSIC HOME LOANS  
 11/04/99 FACTL DTA /4801 CITY FED MORTGAGE  
 11/04/99 LANDSAFE /LANDSAFE CREDIT  
 11/03/99 CB CENTRAL/606 ASPEN MORTGAGE  
 11/02/99 CITIMORTGAGE [10/26/99] ACIS 929909225 915AA00018  
 10/25/99 LANDSAFE /LANDSAFE CREDIT  
 10/22/99 LENDER'S /PENNINGTON MORTGAGE  
 10/22/99 CREDIT SVC/SUMBEL FIRST FINANCIAL  
 10/21/99 EQUIFAX - DISCLOSURE  
 10/14/99 CREDCO /GOLDEN WEST FUNDING/FNMACD  
 10/13/99 CB CENTRAL/606 CHASE MANHATTAN MO  
 10/13/99 FNCS /NEVADA CITIZENS FINANCIAL  
 10/12/99 INFONET /GOLDEN WEST FUNDING  
 10/12/99 FAR WEST /FIRST UNITED MORTGAGE  
 10/11/99 1STANCRED /CAPITAL COMMERCE MTG SAC  
 10/06/99 FK BONDED COLLECTORS OF  
 10/05/99 CREDCO /PNC MTG LAPTOP PROGRAM  
 10/05/99 PNC MORTGAGE  
 10/04/99 CREDCO /GMAC MTG 350 LA  
 09/14/99 CHASE CROT/TRICOR MORTGAGE LENDING  
 09/14/99 TRICOR MORTGAGE LEND  
 09/09/99 LANDSAFE /LANDSAFE CREDIT  
 08/04/99 CREDCO /GMAC MTG 350 LAS VEGAS  
 07/13/99 LENDER'S /HILLSBOROUGH MORTGAGE CO

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COMPLETE PAGE 1 OF 1

EXHIBIT 3